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Panda  
5/21/02

## CONTINUED PROSECUTION APPLICATION (CPA) REQUEST TRANSMITTAL

*Submit an original, and a duplicate for fee processing.*

*(Only for Continuation or Divisional applications under 37 CFR 1.53(d))*

CHECK BOX, if applicable:  
 DUPLICATE

Address to:	Attorney Docket No. of Prior Application	HO-P00965US0
	First Named Inventor	James M. Musser
	Examiner Name	J. Hines
	Group Art Unit	1645
	Express Mail Label No.	EU098493174US

This is a request for a  continuation or  divisional application under 37 CFR 1.53(d),  
(continued prosecution application (CPA)) of prior application number 08/160,965,  
filed on December 2, 1993, entitled

**VACCINES CONTAINING CYSTEINE PROTEASE AND METHODS TO PROTECT AGAINST  
GROUP A STREPTOCOCCI**

### NOTES

**FILING QUALIFICATIONS:** The prior application identified above must be a nonprovisional application that is either: (1) complete as defined by 37 CFR 1.51 (b), or (2) the national stage of an international application in compliance with 35 U.S.C. 371. Effective May 29, 2000, a CPA may only be filed in a utility or a plant application if the prior nonprovisional application was filed before May 29, 2000. A CPA may be filed in a design application regardless of the filing date of the prior application. See "Request for Continued Examination Practice changes to and Provisional Application Practice," Final Rule, 65 Fed. Reg. 50092 (Aug. 16, 2000); Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office (Apr. 11, 2000).

**C-I-P NOT PERMITTED:** A continuation-in-part application cannot be filed as a CPA under 37 CFR 1.53 (d), but must be filed under 37 CFR 1.53(b).

**EXPRESS ABANDONMENT OF PRIOR APPLICATION:** The filing of this CPA is a request to expressly abandon the prior application as of the filing date of the request for a CPA. 37 CFR 1.53(b) must be used to file a continuation, divisional, or continuation-in-part of an application that is not to be abandoned.

**ACCESS TO PRIOR APPLICATION:** The filing of this CPA will be construed to include a waiver of confidentiality by the applicant under 35 U.S.C. 122 to the extent that any member of the public who is entitled under the provisions of 37 CFR 1.14 to access to, copies of, or information concerning, the prior application may be given similar access to, copies of, or similar information concerning, the other application or applications in the file jacket.

**35 U.S.C. 120 STATEMENT:** In a CPA, no reference to the prior application is needed in the first sentence of the specification and none should be submitted. If a sentence referencing the prior application is submitted, it will not be entered. A request for a CPA is the specific reference required by 35 U.S.C. 120 and to every application assigned the application number identified in such request, 37 CFR 1.78(a).

1.  Enter the unentered amendment previously filed on October 29, 2001 under 37 CFR 1.116 in the prior nonprovisional application.
2.  A preliminary amendment is enclosed.
3.  This application is filed by fewer than all the inventors named in the prior application, 37 CFR 1.53(d)(4).
  - a.  DELETE the following inventor(s) named in the prior nonprovisional application:

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  - b.  The inventor(s) to be deleted are set forth on a separate sheet attached hereto.
4.  A new power of attorney or authorization of agent (PTO/SB/81) is enclosed.
5. Information Disclosure Statement (IDS) is enclosed:
  - a.  PTO-1449
  - b.  Copies of IDS Citations



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CLAIM	(1) FOR	(2) NUMBER FILED	(3) NUMBER EXTRA	(4) RATE	(5) CALCULATIONS
	TOTAL CLAIMS (37 CFR 1.16(c) or (j))	35 - 35* =		x \$ =	\$ 0.00
	INDEPENDENT CLAIMS (37 CFR 1.16(b) or (i))	9 - 9** =		x \$ =	0.00
	MULTIPLE DEPENDENT CLAIMS (If applicable) 37 CFR 1.16(d))			+ \$ =	
				BASIC FEE (37 CFR 1.16)	740.00
				Total of above Calculations =	
	Reduction by 50% for filing by small entity (Note 37 CFR 1.27).				
	* Reissue claims in excess of 20 and over original patent. ** Reissue independent claims over original patent.			TOTAL =	\$ 740.00

6.  Small entity status: Applicant claims small entity status. See 37 CFR 1.27.

7. The Commissioner is hereby authorized to credit overpayments or charge the following fees to Deposit Account No. 06-2375:

- Fees required under 37 CFR 1.16.
- Fees required under 37 CFR 1.17.
- Fees required under 37 CFR 1.18.

8.  A check in the amount of \$ 740.00 is enclosed.

9.  Payment by credit card. Form PTO-2038 is attached.

10.  Applicant requests suspension of action under 37 CFR 1.103(b) for a period of (not to exceed 3 months) and the fee under 37 CFR 1.17(i) is enclosed. Months

11.  New Attorney Docket Number, if desired  
*(Prior application Attorney Docket Number will carryover to this CPA unless a new Attorney Docket Number has been provided herein.)*

12. a.  Receipt For Facsimile Transmitted CPA (PTO/SB/29A)  
b.  Return Receipt Postcard (Should be specifically itemized, See MPEP 503)

13.  Other: Transmittal Letter

**NOTE:***The prior application's correspondence address will carry over to this CPA UNLESS a new correspondence address is provided below.***14. NEW CORRESPONDENCE ADDRESS**

<input type="checkbox"/> Customer Number or Bar Code Label		or	<input type="checkbox"/> New correspondence address below
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Name			
Address			
City	State	Zip Code	
Country	Telephone	Fax	

**15. SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED**

Name (Print/Type)	Melissa N. Acosta
Signature	
Registration No. (Attorney/Agent)	45,872
Date	May 8, 2002

**Continued Prosecution Application (CPA) Request Transmittal**

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail, Airbill No. EU098493174US, in an envelope addressed to: Box CPA, Commissioner for Patents, Washington, DC 20231, on the date shown below.

Dated: May 8, 2002

Signature:

05-09-02 160

CPA /1600 \$

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail, Airbill No. EU098493174US, in an envelope addressed to: Commissioner for Patents, Washington, DC 20231, on the date shown below.

Dated: May 8, 2002

Signature: Staci Harris  
(Staci Harris)

Docket No.: 08-P00965US0

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MAY 10 2002  
TECH CENTER 1600/2300  
(PATENT)



## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:  
James M. Musser, et al.

Application No.: 08/160,965

Group Art Unit: 1645

Filed: December 2, 1993

Examiner: J. Hines

For: VACCINES CONTAINING CYSTEINE  
PROTEASE AND METHODS TO PROTECT  
AGAINST GROUP A STREPTOCOCCI

### TRANSMITTAL LETTER

Commissioner for Patents  
Washington, DC 20231

Dear Sir:

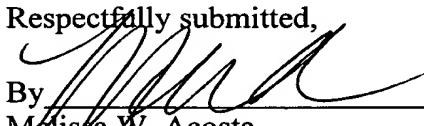
Enclosed are the following items for filing in connection with the above-referenced Patent Application:

1. Continued Prosecution Application
2. Fee Transmittal
3. Check in the amount of \$740.00
4. Return Postcard

Applicants believe that this response is responsive to the PTO communication received on April 19, 2002. Commissioner is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 06-2375, under Order No. 09507112.

Dated: May 8, 2002

Respectfully submitted,

By   
Melissa W. Acosta

Registration No.: 45,872  
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